IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1958 OF 2006.

Rahul Balasaheb Pansare. ... Petitioner.

V/s.

Sou.Supriya Rahul Pansare. ... Respondent.

Uday P. Warunjikar for the petitioner.

R.S.Apte with Ashutosh Gole for the respondent.

CORAM: V.C.DAGA, J.

DATED: 19th September 2006.

P.C.:

. Heard learned counsel for the rival parties.

. Perused petition.

2. This petition is directed against the order dated 23rd January, 2006 passed below Exh.14 in Petition A-No.754/2004, whereby learned Judge of Family Court No.3, Pune was pleased to award interim maintenance at the rate of Rs.6,000/- per month.

3. Mr.Warunjikar, learned counsel appearing for the petitioner submits that there is no material on record to support the view taken by

the Court below; that the petitioner has earnings in the region of 20 to 25 thousand rupees per month. He placed reliance on the document produced at Exh.F, page 48 purported to be Profit & Loss Account of the petitioner for the year ended 31st March, 2005. He further submits that agency of the Indian Oil is not with the petitioner. He reiterates that the petitioner has borrowed loan from the financial institution to start business since he was an educated unemployed. He, thus, submits that the impugned order is liable to be quashed and set aside.

4. Having heard learned counsel for the rival parties, in my considered view, no case is made out by the petitioner to interfere with the impugned order. Learned counsel for the petitioner argued that borrowings were made by the petitioner from the financial institution. However, no particulars of such borrowings are disclosed nor any amount of borrowings, with terms thereof, has been disclosed or mentioned in the petition.

5. The petitioner has described himself as an agriculturist and businessman. No details of the land held by him are disclosed before either of the Courts. According to him, land is in the name

of his father. However, extent of land is not disclosed. It is also not disclosed whether the landed property held by his father is his self-acquired or undivided joint family property. There is no material on record to show that there was any partition between the petitioner and his father and/or other members of the family. Therefore, it is reasonable to hold that the land held by the father of the petitioner must be a joint family property.

6. All the relevant factors required for adjudication, which are well within the special knowledge of the petitioner, have not been disclosed. Attempt to suppress true facts and not to disclose the state of affairs about the properties held and income earned is writ large.

7. Having not disclosed these facts, one can reach to the conclusion that had these facts been disclosed it would not have supported the case of the petitioner.

8. In the facts and circumstances of the case, no case is made out to interfere with the

impugned order. I am, therefore, not inclined to interfere with the impugned order. The petition is without any substance. It is liable to be dismissed.

9. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)